

**ORDINANCE NO. 10 - 018**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE REPEALING CHAPTERS 1, 2, 3, 4, 5, AND 7 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE AND ADOPTING NEW CHAPTERS 1, 1A, 2, 3, 4, 5, 7, AND 8 OF TITLE 8, "BUILDING REGULATIONS."**

**WHEREAS**, the City of Emeryville's Building Regulations are codified in Title 8 of the Emeryville Municipal Code and were last updated in 2007; and

**WHEREAS**, on January 1, 2010, the California Building Standards Commission adopted the International Building Code, International Residential Code, International Existing Building Code, California Green Building Standards Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, and the International Energy Code as the 2010 California Building Codes collectively; and

**WHEREAS**, State law requires local jurisdictions to enforce the 2010 California Building Codes beginning January 1, 2011; and

**WHEREAS**, the 2010 California Building Codes will automatically become effective in the City of Emeryville on January 1, 2011, unless the City amends those Codes otherwise; and

**WHEREAS**, pursuant to Sections 17922, 17958, 17958.5, 17958.7 of the California Health and Safety Code, a local jurisdiction may adopt amendments to the State Building Code when such amendments are reasonably necessary because of local climactic, geological, or topographical conditions; and

**WHEREAS**, the City of Emeryville is located between 2 and 4 kilometers from the North Hayward fault, considered to be an active earthquake fault, and as a result, amendments related to seismic design will serve the public health, welfare, and safety; and

**WHEREAS**, amendments are also necessary to the administration provisions to reflect Emeryville's local procedures and practices, as well as to ensure internal consistency between the various model codes that make up the California Building Codes.

**WHEREAS**, permit fees for the Green Building Standards Code shall be set forth in the Master Fee Schedule and established by a separate resolution of the City Council; and

**WHEREAS**, it is the desire and intent of the City Council of the City of Emeryville to provide the public with the greatest degree of fire, life, health and structural safety in buildings in the most effective manner by adopting the most current body of regulations;

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF EMERYVILLE HEREBY ORDAINS AS FOLLOWS:**

**SECTION ONE. PURPOSE AND INTENT**

The purpose and intent of this Ordinance is to repeal Chapters 1, 2, 3, 4, 5, and 7 of Title 8 of the Emeryville Municipal Code in their entirety and adopt new Chapters 1, 1A, 2, 3, 4, 5, 7, and 8 of Title 8.

**SECTION TWO. REPEALING CHAPTERS ONE, TWO, THREE, FOUR, FIVE AND SEVEN OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapters 1, 2, 3, 4, 5, and 7 of Title 8 of the Emeryville Municipal Code are hereby repealed in their entirety.

**SECTION THREE. ADOPTING CHAPTER 1 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 1 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 1. BUILDING CODE**

**Sections:**

- 8-1.1 Title.**
- 8-1.2 Adoption.**
- 8-1.3 Applicability of California Building Code Appendix Chapters**
- 8-1.4 Amendments to California Building Code Volume 1**
- 8-1.5 Amendments to California Building Code Volume 2**

**8-1.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Building Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**8-1.2 Adoption.**

The following documents are hereby collectively adopted as the Building Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2009 International Building Code (IBC) Volume 1, as amended by the state and known as the 2010 California Building Code (CBC) Volumes 1 and 2 (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), as published by the International Code Council (ICC) and the California Building Standards Commission, and as further modified and amended by this Chapter; and
- B. The 2009 International Existing Building Code, Appendix Chapter A1, A2, A3, A4, A5 and as amended by the state and known as the 2010 California Existing Building Code (California Code of Regulations, Title 24, Part 10), as published by the International Code Council (ICC) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

### 8-1.3 Applicability of California Building Code Appendix Chapters

Wherever in the California Building Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted herein. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Employee Qualifications	Not Applicable / Not Adopted
B	Board of Appeals	Not Applicable / Not Adopted
C	Group U Agricultural Buildings	Not Applicable / Not Adopted
D	Fire Districts	Not Applicable / Not Adopted
E	Reserved	Not Applicable / Not Adopted
F	Rodent Proofing	Not Applicable / Not Adopted
G	Flood Resistant Construction	Not Applicable / Not Adopted
H	Signs	Not Applicable / Not Adopted
I	Patio Covers	Adopted
J	Grading	Not Applicable / Not Adopted

### 8-1.4 Amendments to California Building Code Volume 1

Volume 1 of the 2010 California Building Code is hereby amended as follows:

(a) Section 101.1 is amended to read as follows:

**101.1 Title.** The California Building Code, as amended by this Chapter, shall be known as the Building Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Building Code, are referred to hereafter as “these regulations” or “these building standards” or “this code.”

(b) Section 101.4.4 is amended to read as follows:

**101.4.4 Property maintenance.** The provisions of the California Mechanical Code and the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

(c) Section 101.4.5 is amended to read as follows:

**101.4.5 Fire prevention.** The provisions of the California Fire Code as amended by the City of Emeryville shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(d) Section 102.1.2 is added to read as follows:

**102.1.2 Alternate codes.** Where, in any specific case, applicable referenced

code sections are absent because the State of California has not adopted the International Energy Code (IEC), International Electrical Code (IELC), International Fuel Gas Code (IFGC), International Mechanical Code (IMC) and International Plumbing Code (IPC) the Building Official may allow and/or require the use of an alternate code(s). The alternate codes may include, but are not limited to the 2006 IEC, 2006 IELC, 2006 IFGC, 2006 IMC, 2006 IPC, 2006 IRC, 2005 California Energy Code (CEC), 2001 Uniform Fuel and Gas Code (UFGC), 2001 California Mechanical Code (CMC), 2001 California Plumbing Code (CPC) 1997 Uniform Dangerous Building Code and 2001, 2007 California Building Code (CBC). The use of alternate codes will be allowed on a case by case basis by the Building Official or his/her designee.

(e) Section 102.6 is amended to read as follows:

**102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the 2010 California Mechanical Code or the 2010 California Fire Code or the 2009 International Property Maintenance Code, or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

(f) Section 103.1 is amended to read as follows:

**103.1 Creation of Enforcement Agency.** The Building Division of the City of Emeryville Planning and Building Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(g) Section 103.3 is amended to read as follows:

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official. For the maintenance of existing properties, see the 2010 California Mechanical Code or the 2009 International Property Maintenance Code.

(h) Section 104.7 is amended to read as follows:

**104.7 Department records.** The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

(i) Section 105.1.1 **Annual Permits** is hereby deleted.

(j) Section 105.1.2 **Annual Permit Records** is hereby deleted.

(k) Section 105.1.3 is hereby added to read as follows:

**105.1.3 Planning Commission Approval Required.** The Building Official shall not issue a building permit to move, remove or demolish a Tier I or Tier II

architecturally significant building or structure in the Park Avenue District as shown on Figure 9-4.64, unless the Emeryville Planning Commission first approves such action, based upon findings specified in Section 9-4.64.6 of the Emeryville Municipal Code.

(l) Section 105.1.4 is hereby added to read as follows:

**105.1.4 City Council Approval Required.** The Building Official shall not issue a building permit to move, remove, or demolish more than seventy-five percent (75%) of any existing residential structure, defined as 75% of the replacement cost of the structure not including the foundation immediately prior to destruction, unless: (a) the Emeryville City Council first approves such action in conjunction with the approval of a replacement structure based upon the findings specified in Section 9-4.65.7 of Title 9 of the Emeryville Municipal Code; (b) the building Official is in a position to concurrently issue a building permit for the replacement structure to be constructed on the site of the residential structure to be moved, removed, or demolished; and (c) the Building Official has been provided a fully executed copy of a contract for the construction of the replacement structure. "Accessory buildings," as defined in Section 9-4.3.6(e) of Title 9 of the Emeryville Municipal Code, shall be excluded from the provisions of this article. The provisions of this section shall not apply to structures for which the City Council has determined the demolition or removal of the structure is in the best interest of the public health, welfare, or safety, pursuant to Section 9-4.65.7(d) of Title 9 of the Emeryville Municipal Code.

(m) Section 105.1.5 is hereby added to read as follows:

**105.1.5 City Council Approval Required.** The Building Official shall not issue a building permit to move, remove or demolish the street facade(s) or more than seventy-five percent (75%), defined as 75% of the replacement cost of the structure not including the foundation immediately prior to destruction, of any significant structure, as defined in Section 9-4.67.2 of Chapter 4 of Title 9 of the Emeryville Municipal Code, that is nonresidential and outside the Park Avenue District, unless the Emeryville City Council first approves such action in conjunction with the approval of a replacement structure, based upon the findings specified in Section 9-4.67.8 of Chapter 4 of Title 9 of the Emeryville Municipal Code.

(n) Section 105.1.6 is hereby added to read as follows:

**105.1.6 Unsafe or Dangerous Conditions.** Nothing in this section 105.1 shall prevent any measures of demolition necessary to correct unsafe or dangerous conditions of any building or part thereof, where the condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal and where the proposed measures have been declared necessary on an urgency basis by the official to correct the condition; provided however that the Building Official or Fire Marshal shall first provide written notice to the City Council and only such work as is absolutely necessary to correct the immediate danger is permitted and is done with due regard for the preservation of the appearance of the structure.

(o) Section 105.2 item No. 6 is amended to read as follows:

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

6. Sidewalks, decks, and driveways not more than 30 inches (762 mm) above adjacent grade, are not attached, and not over any basement or story below and are not part of an accessible route.
- (p) Section 105.2 Work Exempt from permit: The section titled “**Electrical**” is hereby deleted.
- (q) Section 105.2 Work Exempt from permit: The section titled “**Gas**” is hereby deleted.
- (r) Section 105.2 Work Exempt from permit: The section titled “**Mechanical**” is hereby deleted.
- (s) Section 105.2 Work Exempt from permit: The section titled “**Plumbing**” is hereby deleted.
- (t) Section 105.5 is hereby deleted in its entirety and a new section 105.5 is added to read as follows:

**105.5 Expiration.** With the following exceptions, every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within 1 year from the date of issuance:

1. The Building Official shall have the authority to authorize longer time periods for specific projects.
  2. Whenever a permit is issued specifically to correct a violation of this code or of any pertinent law, rule, regulation, or ordinance, or rehabilitate, repair, modify, remove, or demolish a dangerous or illegal building, structure or equipment, or to otherwise abate a nuisance, the Building Official shall establish a reasonable time period for the completion of the work.
  3. Whenever a permit is issued for certain short-term projects, the Building Official shall have the authority to establish a time period of less than 1 year. These projects may include, but not be limited to, termite repairs, free-standing fireplace stoves, solar system installations, spas and hot tubs, demolition, and electrical service alterations.
  4. The permit holder may renew a permit for a period of no longer than 1 year after the original date of expiration provided: that the request for renewal is submitted to the Building Official prior to said expiration date along with the payment of a renewal fee; that no changes have been made or will be made in the original plans and specifications; and that no laws, regulations, rules, or ordinances have been changed in such a manner as to prohibit the completion of the proposed work. This renewed permit shall require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of renewal. The permit renewal fee shall be established as indicated in Section 109 of this Chapter.
- (u) Section 105.5.1 is added to read as follows:

**105.5.1 Completion permits.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit and the payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal

of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section 109.2 of this Chapter and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within 1 year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(v) Section 107.3.3 is amended to read as follows.

**107.3.3 Phased approval.** The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements for this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operations and without assurance that a permit for the entire structure will be granted. Additional fees shall be assessed in accordance with the City of Emeryville Master Fee Schedule.

(w) Section 109.1.1 is added to read as follows:

**109.1.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the addition fee, if any, has been paid in accordance to the City of Emeryville Master Fee Schedule.

(x) Section 109.1.2 is added to read as follows:

**109.1.2 Plan Review Fees.** When submittal documents are required by Section 107.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in the Section 109.1.1 of this Chapter. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in City of Emeryville Master Fee Schedule; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in said fee schedule.

(y) Section 109.1.3 is added to read as follows:

**109.1.3 Expiration of Plan Review.** Applications for which no permit is issued following the date of completion of the initial review of the submitted plans, or

applications for which no permit is issued within 12 months following the date of application, shall expire by limitation. The Building Official may extend either of these expiration dates for an additional period, not exceeding 180 days, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. Following final expiration of the application, plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(z) Section 109.2 is amended to read as follows:

**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Emeryville Master Fee Schedule.

(aa) Section 109.3 is amended to read as follows:

**109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including, but not limited to, materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems, bonds, insurance, fees for permits issued by other jurisdictions, all equipment attached to the building, all equipment used in restaurant facilities, all permanently attached items such as shelving racks and other storage devices, and other soft costs. Permit valuations shall not include the value of land, design costs such as architect and engineer costs, and the costs for obtaining a City of Emeryville business license. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can provide detailed estimates to the satisfaction of the Building Official. A minimum valuation established by the Building Official or the declared valuation, whichever is higher, shall be used to calculate the permit and plan check fees in accordance with City of Emeryville Master Fee Schedule. Proof of the declared valuation will be required to be submitted prior to the issuance of permits. Final building permit valuation shall be set by the Building Official.

(bb) Section 109.4 is amended to read as follows:

**109.4 Work commencing before a permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the City of Emeryville Master Fee Schedule that shall be in addition to the required permit fees.

(cc) Section 109.6 is amended to read as follows:

**109.6 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize

refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within 1 year following the permit expiration; after 1 year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

(dd) Section 110.4 is amended as follows: **Inspection agencies** is hereby deleted.

(ee) Section 111.2 is amended to read as follows:

**Section 111.2 Certificate issued.** After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the City of Emeryville, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3 of the California Building Code.
9. The type of construction as defined in Chapter 6 of the California Building Code.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

(ff) Section 111.3 is amended to read as follows:

**Section 111.3 Temporary occupancy.** The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely, compliance for disabled access, (if applicable) conditions of approval verified for compliance, any City agreements consummated, and remaining fees paid. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. Prior to the issuance of the temporary certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(gg) Section 111.5 is amended to read as follows:

**Section 111.5 Abandonment of Legal Occupancy.** Whenever the legal occupancy or use of a building or structure, other than a 1 or 2 family dwelling, is abandoned continuously for a period of 1 year or more, the said building or structure shall be considered to have no legal occupancy and shall be so

declared by the Building Official. When this building or structure is next occupied or used after such declaration, it shall be made to comply fully with the requirements for the new occupancy or use per the requirements of this code.

(hh) Section 111.6 is amended to read as follows:

**Section 111.6 Occupancy violations.** Whenever any building or structure or equipment therein, or portion thereof, as is regulated by this code or by any other pertinent law, rule, regulation, or ordinance, is being used or occupied contrary to this code or to such law, rule, regulation, or ordinance, or when the use or occupancy of the same is changed without the approval of the Building Official, the Building Official shall have the authority to order such use or occupancy discontinued, and the building or structure, or portion thereof, vacated, by serving written notice to any persons causing such use or occupancy to be continued. All vacation notices shall state the specific nature of the violation(s), including a reference to the code provision, law, ordinance, rule, or regulation being violated, the time limit when the said use or occupancy must be discontinued, and if necessary, the time when the building or structure, or portion thereof, must be vacated. If there are no persons present on the premises, the Building Official shall post the notice in a conspicuous place. No person shall continue to use or occupy the said building or structure or equipment, or portion thereof, contrary to the terms of such notice, pending the correction of the stated violation(s) and the approval of the use or occupancy by the Building Official.

(ii) Section 903.1 is amended to read as follows:

**Section 903.1 General.** All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:

- (1) Twenty or more in a Group I Divisions 1.1 and 1.2 Occupancies.
- (2) One hundred or more in all other occupancies.
- (3) As deemed necessary by the Fire Chief.

(jj) Section 903.2 is added to read as follows:

**Section 903.2 Where Required.** An approved automatic fire-sprinkler system in new buildings and structures shall be provided in the locations described in Section 903.2.2 through 903.2.6.2 and 903.2.7.1 through 903.2.11.5, and or as required by Emeryville Municipal Code Title 4.

(kk) Section 903.2.1 is removed and replaced to read as follows:

**Section 903.2.1 Group A Occupancies.** An automatic sprinkler system shall be installed in Group A occupancies which have more than 3,000 square feet of floor fire area which can be used for exhibition or display purposes.

(ll) Section 903.2.7 is removed and replaced to read as follows:

**Section 903.2.7 Group M Occupancies.** An automatic sprinkler system shall be install in retail sales rooms classified as M occupancies where the floor area is 3,000 square feet or more on any floor, or in retails sales occupancies three (3) or more stories in height. The floor area of mezzanines shall be included in determining when sprinklers are required.

(Ord, 95-010, eff Jan 4, 1996)

(mm) Section 903.2.11.6 is added to read as follows:

**Section 903.2.11.6 Other required suppression systems.**

- (1) **General.** An automatic fire extinguishing system shall be installed in all new structures that are:

- (1.1) A minimum total floor area of 3,000 square feet or more, or
  - (1.2) A minimum of 35 feet in height or more, or
  - (1.3) Three (3) or more stories, irrespective of height.
- (2) **Existing Buildings.** Approved automatic sprinkler systems shall be installed in all existing buildings or in any separate interest in a common interest development, as those terms are defined in California Civil Code Section 1351, with a minimum total floor area of 3,000 square feet if:
- (2.1) Subdivided Space or Subdivisions. The building or separate interest in a common interest development is being subdivided into multi-tenant spaces or being subdivided pursuant to the California Subdivision Map Act or the City's Subdivision ordinance, or:
  - (2.2) Change of Use or Occupancy. The character of occupancy or use of the building or separate interest in a common interest development is being changed to a different division of the same occupancy or to a different occupancy as defined in the CBC Chapter 3 Use and Occupancy Classification, or:
- (3) **Renovation.** The building or separate interest space is substantially renovated as defined below.
- (3.1) Buildings. (Entire building in single fee title ownership). The building or portion thereof is being renovated, rehabilitated, or reconstructed and the value of the improvements is equal to or greater than fifty percent (50%) of the replacement cost of the building.
  - (3.2) Separate Interests in Common Interest Developments. (Building is subdivided into multiple fee title ownership interests.) A separate interest in a common interest development is being renovated, rehabilitated, or reconstructed and the value of the improvements is equal to or greater than fifty percent (50%) of the replacement cost of said interest.
  - (3.3) Definition of Replacement Cost. In absence of proof to the contrary, replacement cost as used above shall mean the market value of the building or separate interest in a common interest development determined at the time of submission of a building permit application. Automatic fire extinguishing systems shall be installed in the occupancies and locations as set forth in this section.  
Fire Department connections shall be augmented by a five inch (5) connection when required by the Fire Chief.
- (4) **Special provisions.** Hazardous chemicals shall be governed by the California Fire Code.
- (nn) Section 903.2.12 is amended to read as follows:  
**Section 903.2.12 During Construction.** Where required, every building three stories or more in height shall be provided with no less than one standpipe for use during construction. Such standpipe shall follow the progress of construction to within one floor of the highest point of construction having secure decking or flooring. Where the building height requires a Class III standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

### 8-1.5 Amendments to California Building Code Volume 2.

Volume 2 of the 2010 California Building Code is hereby amended as follows:  
as follows:

(a) Section 1704.4 is amended to read as follows:

**Section 1704.4 Concrete Construction.** The special inspections and verifications for concrete construction shall be as required by this section and Table 1704.4.

**EXCEPTIONS:** Special inspection shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified MPa strength,  $f'_c$ , no greater than 2,500 pounds per square inch (psi) (17.2 MPa).
2. Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:
  - 2.1. The footings support walls of light-frame construction;
  - 2.2. The footings are designed in accordance with Table 1809.7; or
  - 2.3. The structural design of the footing is based on a specified compressive strength,  $f'_c$ , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.
3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).
4. Concrete foundation walls constructed in accordance with table 1807.1.6.2.
5. Concrete patios, driveways and sidewalks, on grade.

(b) Section 3405.2.1 is deleted and replaced with the following:

**3405.2.1 Evaluation and design procedures.** The building shall be evaluated by a registered design professional, and the evaluation findings shall be submitted to the code official. The evaluation shall establish whether the damaged building, if repaired to its predamage state, would comply with the provisions of this code for wind and earthquake loads. Evaluation for earthquake loads shall be required if the substantial structural damage was caused by or related to earthquake effects or if the building is in Seismic Design Category C, D, E or F. The seismic evaluation and design shall be based on the procedures specified in the building code, ASCE 31 *Seismic Evaluation of Existing Buildings* (for evaluation only) or ASCE 41 *Seismic Rehabilitation of Existing Buildings*. The procedures contained in Appendix A of the *International Existing Building Code* shall be permitted to be used as specified in Section **3405.2.1.2**

Wind loads for this evaluation shall be those prescribed in Section 1609.

(c) Section 3405.2.1.1 is added to read as follows:

**3405.2.1.1 CBC level seismic forces.** When seismic forces are required to meet the building code level, they shall be one of the following:

1. 100 percent of the values in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor specified for structural systems classified as "Ordinary" unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as "Intermediate" or "Special".
2. Forces corresponding to BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 3405.2.1.1.

**TABLE 3405.2.1.1  
ASCE 41 and ASCE 31 PERFORMANCE LEVELS**

OCCUPANCY CATEGORY (BASED ON CBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note (a)	Note (a)
IV	Immediate Occupancy (IO)	Life Safety (LS)

- a. Performance Levels for Occupancy Category III shall be taken as halfway between the performance levels specified for Occupancy Category II and Occupancy Category IV.

(d) Section 3405.2.1.2 is added to read as follows:

**Section 3405.2.1.2 Reduced CBC level seismic forces.** When seismic forces are permitted to meet reduced building code levels, they shall be one of the following:

1. 75 percent of the forces prescribed in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor as specified in Section 3405.2.1.1.
2. In accordance with the California Existing Building Code and applicable chapters in Appendix A of the International Existing Building Code, as specified in Items (a) through (e) below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced building code force levels.
  - (a) The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1 of CEBC.

- (b) Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2 of IEBC.
  - (c) Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3 of IEBC.
  - (d) Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4 of IEBC.
  - (e) Seismic evaluation and design of concrete buildings and concrete with masonry infill buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5 of IEBC.
3. In accordance with ASCE 31 based on the applicable performance level as shown in Table 3405.2.1.1.
4. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 3405.2.1.1. Where ASCE 41 is used, the design spectral response acceleration parameters  $S_{xs}$  and  $S_{x1}$  shall not be taken less than 75 percent of the respective design spectral response acceleration parameters  $S_{DS}$  and  $S_{D1}$  defined by the California Building Code and its reference standards.
- (e) Chapter 35, "Reference Standards", is amended to add the following:

**Reference Standards  
(CBC Chapter 35)**

Standard Reference Number	Title	Reference in Code Section Number
ASCE 31-03	Seismic Evaluation of Existing Buildings	3405.2.1 Table 3405.2.1.1 3405.2.1.2
ASCE 41-06	Seismic Rehabilitation of Existing Buildings	3405.2.1 Table 3405.2.1.1 3405.2.1.2

**SECTION FOUR. ADOPTING CHAPTER 1A OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 1A of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 1A RESIDENTIAL CODE**

**Sections:**

- 8-1A.1 Title.
- 8-1A.2 Adoption.

**8-1A.3 Applicability of California Residential Code Appendix Chapters**  
**8-1A.4 Amendments to California Residential Code**

**8-1A.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Residential Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**8-1A.2 Adoption.**

The following documents are hereby collectively adopted as the Residential Code for the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2009 International Residential Code (IRC) as amended by the state and known as the 2010 California Residential Code (CRC) as published by the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

**8-1A.3 Applicability of California Residential Code Appendix Chapters**

Wherever in the California Building Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted herein. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Sizing and Capacities of Gas Piping	Not Applicable / Not Adopted
B	Sizing of Venting Systems Serving Appliances equipped with Draft Hoods, Cat I Appliances, and Appliances listed for use with Type B Vents	Not Applicable / Not Adopted
C	Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems	Not Applicable / Not Adopted
D	Recommended Procedure for Safety Inspection of an Existing Appliance Installation	Not Applicable / Not Adopted
E	Manufactured Housing used as Dwellings	Not Applicable / Not Adopted
F	Radon Control Methods	Not Applicable / Not Adopted
G	Swimming Pools, Spas and Hot Tubs	Adopted

H	Patio Covers	Adopted
I	Private Sewer Disposal	Not Applicable / Not Adopted
J	Existing Building and Structures	Not Applicable / Not Adopted
K	Sound Transmission	Not Applicable / Not Adopted
L	Permit Fees	Not Applicable / Not Adopted
M	Home Day Care – R-3 Occupancy	Not Applicable / Not Adopted
N	Venting Methods	Not Applicable / Not Adopted
O	Gray Water Recycling Systems	Not Applicable / Not Adopted
P	Sizing of Water Piping System	Not Applicable / Not Adopted
Q	ICC Intern. Residential Code Electrical Provisions/ NEC Cross Reference	Not Applicable / Not Adopted
R	Areas Protected by the Facilities of the Central Valley Flood Protection Plan	Not Applicable / Not Adopted

**8-1A.4 Amendments to California Residential Code.**

The 2010 California Residential Code is hereby amended as follows:

(a) Section R101.1 is amended to read as follows:

**R101.1 Title.** The California Residential Code, as amended by this Chapter, shall be known as the Residential Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Residential Code, are referred to hereafter as “these regulations” or “these building standards” or “this code.”

(b) Section R102.1 is amended to read as follows:

**R102.1 General.** Where, in any specific case, applicable referenced code sections are absent because the State of California has not adopted the International Energy Code (IEC), International Electrical Code (IELC), International Fuel Gas Code (IFGC), International Mechanical Code (IMC) and International Plumbing Code (IPC) the Building Official may allow and/or require the use of an alternate code(s). The alternate codes may include, but are not limited to the 2006 IEC, 2006 IELC, 2006 IFGC, 2006 IMC, 2006 IPC, 2006 IRC, 2005 California Energy Code (CEC), 2001 Uniform Fuel and Gas Code (UFGC), 2001 California Mechanical Code (CMC), 2001 California Plumbing Code (CPC) 1997 Uniform Dangerous Building Code and 2001, 2007 California Building Code (CBC). The use of alternate codes will be allowed on a case by case basis by the Building Official or his/her designee.

(c) Section R102.7 is amended to read as follows:

**R102.7 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the California Mechanical Code or the California Fire Code or the International Property Maintenance Code, or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

(d) Section R103.1 is amended to read as follows:

**R103.1 Creation of Enforcement Agency.** The Building Division of the City of Emeryville Planning and Building Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(e) Section R103.3 is amended to read as follows:

**R103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official. For the maintenance of existing properties, see the 2010 California Mechanical Code or the 2009 International Property Maintenance Code.

(f) Section R104.7 is amended to read as follows:

**R104.7 Department records.** The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

(g) Section R105.2 is amended as follows:

**R105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

10. Decks, not more than 30 inches (762 mm) above adjacent grade, that are not attached and not over any basement or story below and are not part of an accessible route.

(h) Section R105.5 is hereby deleted in its entirety and a new section R105.5 is added to read as follows:

**R105.5 Expiration.** With the following exceptions, every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within 1 year from the date of issuance:

1. The Building Official shall have the authority to authorize longer time periods for specific projects.

2. Whenever a permit is issued specifically to correct a violation of this code or of any pertinent law, rule, regulation, or ordinance, or rehabilitate, repair, modify, remove, or demolish a dangerous or illegal building, structure or equipment, or to otherwise abate a nuisance, the Building Official shall establish a reasonable time period for the completion of the work.
3. Whenever a permit is issued for certain short-term projects, the Building Official shall have the authority to establish a time period of less than 1 year. These projects may include, but not be limited to, termite repairs, free-standing fireplace stoves, solar system installations, spas and hot tubs, demolition, and electrical service alterations.
4. The permit holder may renew a permit for a period of no longer than 1 year after the original date of expiration provided: that the request for renewal is submitted to the Building Official prior to said expiration date along with the payment of a renewal fee; that no changes have been made or will be made in the original plans and specifications; and that no laws, regulations, rules, or ordinances have been changed in such a manner as to prohibit the completion of the proposed work. This renewed permit shall require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of renewal. The permit renewal fee shall be established as indicated in Section 108.1 of this Chapter.

- (i) Section R105.5.1 is added to read as follows:

**R105.5.1 Completion permits.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit and the payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section 108.1 of this Chapter and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within 1 year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

- (j) Section R106.3.3 is amended to read as follows.

**R106.3.3 Phased approval.** The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed

statements have been filed complying with pertinent requirements for this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operations and without assurance that a permit for the entire structure will be granted. Addition fees shall be assessed in accordance with the City of Emeryville Master Fee Schedule.

(k) Section R108.1 is amended to read as follows:

**R108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the addition fee, if any, has been paid in accordance to the City of Emeryville Master Fee Schedule.

(l) Section R108.1.1 is added to read as follows:

**R108.1.1 Plan Review Fees.** When submittal documents are required by Section R106.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this section is separate from and in addition to the permit fee specified in Section R108.1 of this Chapter. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in City of Emeryville Master Fee Schedule; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in said fee schedule.

(m) Section R108.1.2 is added to read as follows:

**R108.1.2 Expiration of Plan Review.** Applications for which no permit is issued following the date of completion of the initial review of the submitted plans, or applications for which no permit is issued within 12 months following the date of application, shall expire by limitation. The Building Official may extend either of these expiration dates for an additional period, not exceeding 180 days, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. Following final expiration of the application, plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(n) Section R108.2 is amended to read as follows:

**R108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Emeryville Master Fee Schedule.

(o) Section R108.3 is amended to read as follows:

**R108.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including, but not limited to, materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment

and permanent systems, bonds, insurance, fees for permits issued by other jurisdictions, all equipment attached to the building, all equipment used in restaurant facilities, all permanently attached items such as shelving racks and other storage devices, and other soft costs. Permit valuations shall not include the value of land, design costs such as architect and engineer costs, and the costs for obtaining a City of Emeryville business license. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can provide detailed estimates to the satisfaction of the Building Official. A minimum valuation established by the Building Official or the declared valuation, whichever is higher, shall be used to calculate the permit and plan check fees in accordance with City of Emeryville Master Fee Schedule. Proof of the declared valuation will be required to be submitted prior to the issuance of permits. Final building permit valuation shall be set by the Building Official.

(p) Section R108.5 is amended to read as follows:

**R108.5 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within 1 year following the permit expiration; after 1 year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

(q) Section R108.6 is amended to read as follows:

**R108.6 Work commencing before a permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the City of Emeryville Master Fee Schedule that shall be in addition to the required permit fees.

(r) Section R110.4 is amended to read as follows:

**R110.4 Temporary occupancy.** The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely, compliance for disabled access, (if applicable) conditions of approval verified for compliance, any City agreements consummated, and remaining fees paid. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. Prior to the issuance of the temporary certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(s) Section R110.6 is added to read as follows:

**R110.6 Notice of violation.** Whenever any building or structure or equipment

therein, or portion thereof, as is regulated by this code or by any other pertinent law, rule, regulation, or ordinance, is being used or occupied contrary to this code or to such law, rule, regulation, or ordinance, or when the use or occupancy of the same is changed without the approval of the Building Official, the Building Official shall have the authority to order such use or occupancy discontinued, and the building or structure, or portion thereof, vacated, by serving written notice to any persons causing such use or occupancy to be continued. All vacation notices shall state the specific nature of the violation(s), including a reference to the code provision, law, ordinance, rule, or regulation being violated, the time limit when the said use or occupancy must be discontinued, and if necessary, the time when the building or structure, or portion thereof, must be vacated. If there are no persons present on the premises, the Building Official shall post the notice in a conspicuous place. No person shall continue to use or occupy the said building or structure or equipment, or portion thereof, contrary to the terms of such notice, pending the correction of the stated violation(s) and the approval of the use or occupancy by the Building Official.

**SECTION FIVE. ADOPTING CHAPTER 2 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 2 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 2. MECHANICAL CODE**

**Sections:**

- 8-2.1 Title.**
- 8-2.2 Adoption.**
- 8-2.3 Applicability of California Mechanical Code Appendix Chapters**
- 8-2.4 Amendments to California Mechanical Code**

**8-2.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Mechanical Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**8-2.2 Adoption.**

The following documents are hereby collectively adopted as the Mechanical Code for the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2009 Uniform Mechanical Code (UMC) as amended by the state and known as the 2010 California Mechanical Code (CMC) as published by the International Association of Plumbing and Mechanical Officials (IAPMO) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

**8-2.3 Applicability of California Mechanical Code Appendix Chapters.**

Wherever in the California Mechanical Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted by this code. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Uniform Mechanical Code Standards for Metal Ducts	Not Applicable / Not Adopted
B	Procedures to be followed to place Gas Equipment in Operation	Not Applicable / Not Adopted
C	Installation and Testing of Oil (Liquid) Fuel-Fired Equipment.	Not Applicable / Not Adopted
D	Unit Conversion Tables	Not Applicable / Not Adopted

**8-2.4 Amendments to California Mechanical Code.**

The 2010 California Mechanical Code is hereby amended as follows:

(a) Section 101.0 is amended to read as follows:

**101.0 Title.** The California Mechanical Code, as amended by this Chapter, shall be known as the Mechanical Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Mechanical Code are referred to hereafter as "these regulations" or "these standards" or "this code."

(b) Section 103.1.1 is added to read as follows:

**Section 103.1.1 Alternate codes.** Where, in any specific case, applicable referenced code sections are absent because the State of California has not adopted the International Energy Code (IEC), International Electrical Code (IEC), International Fuel Gas Code (IFGC), International Mechanical Code (IMC), International Plumbing Code (IPC) and International Residential Code (IRC) the Building Official may allow and/or require the use of an alternate code(s). The alternate codes may include, but are not limited to the 2006 IEC, 2006 IELC, 2006 IFGC, 2006 IMC, 2006 IPC, 2006 IRC, 2001 CBC, 2005 California Energy Code (CEC), 2001 Uniform Fuel and Gas Code (UFGC), 2001 California Mechanical Code (CMC), 2001 California Plumbing Code (CPC) 1997 Uniform Dangerous Building Code and 2001, 2007 California Building Code (CBC). The use of alternate codes will be allowed only on a case by case basis by the Building Official."

(c) Section 108.1 is amended to read as follows:

**108.1 Authority Having Jurisdiction.** The Building Division of the City of Emeryville Planning and Building Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render

interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(d) Section 114.4.1 is added to read as follows:

**114.4.1 Completion permits.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit. The payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in the City of Emeryville Master Fee Schedule and in accordance with the schedule of previously completed and inspected work. Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within 1 year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(e) Section 115.2 is amended to read as follows:

**115.2 Permit Fees.** The fee for each permit shall be as set forth in accordance with the City of Emeryville Master Fee Schedule.

(f) Section 115.3 is amended to read as follows:

**115.3 Plan Review Fees.** When submittal documents are required by Section 113.2 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in City of Emeryville Master Fee Schedule. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the City of Emeryville Master Fee Schedule described in; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in said fee schedule.

(g) Section 115.6.4 is added to read as follows:

**115.6.4 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has

been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within 1 year following the permit expiration; after 1 year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

**SECTION SIX. ADOPTING CHAPTER 3 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 3 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 3. PLUMBING CODE**

**Sections:**

- 8-3.1 Title.**
- 8-3.2 Adoption.**
- 8-3.3 Applicability of California Plumbing Code Appendix Chapters**
- 8-3.4 Amendments to California Plumbing Code**

**8-3.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Plumbing Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**8-3.2 Adoption.**

The following documents are hereby collectively adopted as the Plumbing Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2009 Uniform Plumbing Code (UPC) as amended by the state and known as the 2010 California Plumbing Code (CPC) as published by the International Association of Plumbing and Mechanical Officials (IAPMO) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

**8-3.3 Applicability of California Plumbing Code Appendix Chapters.**

Wherever in the California Plumbing Code reference is made to an Appendix Chapter, the provisions of said appendix Chapter shall not apply unless specifically adopted by this code. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
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A	Recommended Rules for Sizing the Water Supply System	Not Applicable / Not Adopted
B	Explanatory Notes on Combination Waste and Vent Systems	Not Applicable / Not Adopted
C	Deleted	Not Applicable / Not Adopted
D	Sizing Storm Water Drainage Systems	Not Applicable / Not Adopted
E	Manufactured/Mobile Home Parks and Recreational Vehicle Parks	Not Applicable / Not Adopted
F	Firefighter Breathing Air Replenishment Systems	Not Applicable / Not Adopted
G	Graywater Systems	Adopted
H	Deleted	Not Applicable / Not Adopted
I	Installation Standards	Not Applicable / Not Adopted
K	Private Sewage Disposal Systems	Not Applicable / Not Adopted
L	Alternate Plumbing Systems	Not Applicable / Not Adopted

**8-3.4 Amendments to California Plumbing Code.**

The 2010 California Plumbing Code is hereby amended as follows:

(a) Section 101.1 is amended to read as follows:

**101.1 Title.** The Uniform Plumbing Code, as amended by this Chapter, shall be known as the Plumbing Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Plumbing Code, are referred to hereafter as "these regulations" or "these standards" or "this code."

(b) Section 101.4.1.5 is added to read as follows:

**101.4.1.5 Alternate codes.** Where, in any specific case, applicable referenced code sections are absent because the State of California has not adopted the International Energy Code (IEC), International Electrical Code (IELC), International Fuel Gas Code (IFGC), International Mechanical Code (IMC), International Plumbing Code (IPC) and International Residential Code (IRC) the Building Official may allow and/or require the use of an alternate code(s). The alternate codes may include, but are not limited to the 2006 IEC, 2006 IELC, 2006 IFGC, 2006 IMC, 2006 IPC, 2006 IRC, 2001 CBC, 2005 California Energy Code (CEC), 2001 Uniform Fuel and Gas Code (UFGC), 2001 California Mechanical Code (CMC), 2001, 2007 California Plumbing Code (CPC) 1997 Uniform Dangerous Building Code and 2001, 2007 California Building Code (CBC). The use of alternate codes will be allowed only on a case by case basis by the Building Official or his/her designee.

(c) Section 102.2.1.1 is added to read as follows:

**102.2.1.1 Duties and Powers of the Authority Having Jurisdiction.** The

Building Division of the City of Emeryville Planning and Building Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(d) Section 103.3.4.1 is added to read as follows:

**103.3.4.1 Completion permits.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit and the payment of an additional permit fee; moreover, the building official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in the City of Emeryville Master Fee Schedule and in accordance with the schedule of previously completed and inspected work. Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within 1 year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(e) Section 103.4.1 is amended to read as follows:

**103.4.1 Permit Fees.** Fees shall be assessed in accordance with the provisions of this section and set forth in accordance with the City of Emeryville Master Fee Schedule.

(f) Section 103.4.2 is amended to read as follows:

**103.4.2 Plan Review Fees.** When submittal documents are required by Section 103.2.2 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville's Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in City of Emeryville's Master Fee Schedule. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the City of Emeryville's Master Fee Schedule described in; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in the said fee schedule.

(g) Section 103.4.5.4 is added to read as follows:

**103.4.5.4 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid to the building official except on written application filed by the original permittee. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid to the Building Official when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within 1 year following the permit expiration; after 1 year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid to the building official if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

**SECTION SEVEN. ADOPTING CHAPTER 4 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 4 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 4. ELECTRICAL CODE**

**Sections:**

- 8-4.1 Title.**
- 8-4.2 Adoption.**

**8-4.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Electrical Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**8-4.2 Adoption.**

The following documents are hereby collectively adopted as the Electrical Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2008 National Electrical Code (NEC) as amended by the state and known as the 2010 California Electrical Code (CEC) as published by the National Fire Protection Association (NFPA) and the California Building Standards Commission.

A copy of this code is on file in the office of the Building Official.

**SECTION EIGHT. ADOPTING CHAPTER 5 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 5 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 5. GREEN BUILDING STANDARDS CODE**

**Sections:**

- 8-5.1 Title.**
- 8-5.2 Adoption.**

**8-5.1 Title**

The Ordinance codified in this Chapter shall be known and may be cited as the Green Building Standards Code of the City of Emeryville or the CALGreen Code and will be referred to in this Chapter as "this code".

**8-5.2 Adoption.**

The following documents are hereby collectively adopted as the Green Building Standards Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2010 Green Building Standards Code (CALGreen Code) as promulgated by the California Building Standards Commission (CBSC).

A copy of this code is on file in the office of the Building Official.

**SECTION NINE. ADOPTING CHAPTER 7 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 7 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 7. PROPERTY MAINTENANCE CODE**

**Sections:**

- 8-7.1 Title.**
- 8-7.2 Adoption.**

**8-7.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Property Maintenance Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**8-7.2 Adoption.**

The following documents are hereby collectively adopted as the Property Maintenance Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2009 International Property Maintenance Code (IPMC) as promulgated by the International Code Council (ICC).

A copy of this code is on file in the office of the Building Official.

**SECTION TEN. ADOPTING CHAPTER 8 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 8 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

**CHAPTER 8. ENERGY CODE**

**Sections:**

- |       |           |
|-------|-----------|
| 8-8.1 | Title.    |
| 8-8.2 | Adoption. |

**8-8.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Energy Code of the City of Emeryville and will be referred to in this Chapter as "this code."

**8-8.2 Adoption.**

The following documents are hereby collectively adopted as the Energy Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2010 California Energy Code (CEC) as promulgated by the California Building Standards Commission (CBSC).

A copy of this code is on file in the office of the Building Official.

**SECTION ELEVEN. CEQA DETERMINATION**

The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt from the definition of Project in Section 15378(b)(2) in that it concerns general policy and procedure making.

**SECTION TWELVE. SEVERABILITY**

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses, or phrases.

**SECTION THIRTEEN. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33693.

**SECTION FOURTEEN. CODIFICATION**

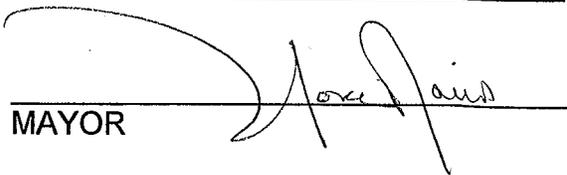
Sections Three, Four, Five, Six, Seven, Eight, Nine, and Ten of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Two, Eleven, Twelve, Thirteen, and Fourteen shall not be so codified.

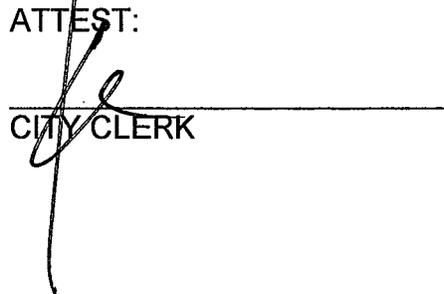
This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, December 7, 2010 and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday, December 21, 2010 by the following vote:

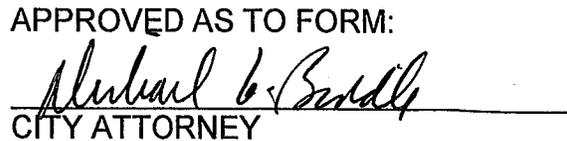
AYES: (4) Mayor Davis, Vice Chair West and Council Members Brinkman and Bukowski

NOES: (0) None ABSENT None

EXCUSED : (1) Council Member Atkin ABSTAINED: None

  
MAYOR

ATTEST:  
  
CITY CLERK

APPROVED AS TO FORM:  
  
CITY ATTORNEY